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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, Washington 98101

Reply To
Attn Of: OCE-133

AUG 25 2006

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Dan Block
Icicle Seafoods, Inc.
4019 21st Avenue West
Seattle, WA 98199

Re: M/V Northern Victor Waste Pile Removal Plan
NPDES Permit #AK0052868

Dear Mr. Block:

I am writing to you in response to the proposed Waste Pile Removal Plan (Plan) for Udagak Bay submitted by Icicle Seafoods, Inc. (Icicle) on August 15, 2006. The U.S. Environmental Protection Agency (EPA) appreciates the opportunity to review the Plan and consulted with Alaska Department of Environmental Conservation (ADEC) in providing comments. The Plan currently does not contain sufficient detail for agency approval. Accordingly, EPA and ADEC request Icicle to consider and incorporate the comments provided below and submit a revised plan to EPA and ADEC as soon as practicable.

Monitoring

Comment #1: The *Monitoring* Section of the Plan relies exclusively on the use of dive surveys to determine the pile size and to monitor progress of the pile removal; however, it lacks the following critical details:

- The Plan should describe the use of transects or another method of observation and measurement and identify specific stations that will be monitored.
- The Plan should describe the spacing of each transect, the recording instrument, and the depth measurement method (e.g. ruler, coring, digging) proposed to be used at each station.
- If the spacing of transects is anticipated to change based on visibility, the Plan must explain the process.
- The Plan should detail the parameters (e.g., biologic assessment, benthic condition, condition of the bones, presence of mats, type of sediment, etc.) that will be recorded at each station and the frequency of the observation.
- A field form could be developed that would provide a list of parameters that divers would record in the field. This form should be submitted to EPA and ADEC with the revised Plan.

Comment #2: The video monitoring protocol is incomplete. The following considerations should be included in the Plan:

- When video is used, Icicle should ensure that divers remain stationary for a full two seconds at each station in order to provide the viewer with an accurate picture of the seafloor at each location. Icicle should discuss this protocol in the revised Plan.

- The Plan does not identify how Icicle will conduct a biological assessment on, above and within 100 feet of the pile in the event of poor visibility during the dive surveys as required by Section IV.A.1.f of the Permit. One alternative identified in this section of the Permit is to conduct a trawl survey. In revising the Plan, Icicle should discuss an alternative to satisfy compliance with the biological assessment requirement.

Comment #3: The Plan must also include contingencies or alternative methods that Icicle will undertake if visibility precludes dive surveys. The following possibilities may satisfy this requirement:

- Conduct bathymetric surveys to accurately illustrate the seafloor condition and the cleanup progress.
- Pre- and post-bathymetry surveys, in conjunction with visual observation (Remotely Operated Vehicle or dive survey), would provide a complete picture of the seafloor.
- If bathymetric surveys are conducted, Icicle could use the post-bathymetric map to locate sections of the pile that require additional remediation (i.e., re-dredging) after the initial effort.

Comment #4: The Plan does not completely describe what type of monitoring will be conducted and should be revised to include the following:

- The Plan mentions that the degree of turbidity, surface scum, the size of the plume, and the presence of sea and birdlife will be recorded in conjunction with dredging activities.
- How will turbidity be measured (visually or analytically)?
- Are there additional measures, other than careful operation of the clamshell, which will be taken to reduce short term water quality impacts?
- What other best management practices will be considered if adverse conditions are observed?
- The revised Plan should also discuss any anticipated monitoring to be conducted during dewatering activities and measures proposed to reduce short term water quality impacts during dewatering.

Removal and Performance Criteria

Comment #5: The Plan does not provide the agencies with information to verify that the cleanup method will result in compliance with the Permit. The following issues should be addressed in the revised Plan:

- EPA recommends that Icicle include and describe allowable overdredge limits in the Plan. While steps should be taken to minimize overdredging, even a small amount of fish waste remaining on the seafloor can preclude the re-establishment of the benthic community.
- The Plan does not address performance criteria or the level of removal and precision that can be expected. The permit states that the waste pile cleanup shall be conducted until the sea floor is returned to its natural state.
- To avoid differences in interpretations of the data collected during the waste pile remediation activities and to limit remobilization efforts required by the agencies, EPA strongly urges Icicle to develop a method/system for EPA to concur with during, rather than after, operations.

EPA will evaluate the dive survey and/or bathymetry plots to determine whether or not the cleanup is sufficient to satisfy Permit conditions. EPA reminds Icicle that the Permit requires Icicle to "submit a summary report of cleanup activities which describes the methods, time frames, and results.... The report will address any potential water quality problems identified and any corrective actions taken or planned." The cleanup report should be sent to both EPA and ADEC upon completion.

Dive Plan

Comment #6: EPA Region 10's Dive Team provided the following comments on diving operations:

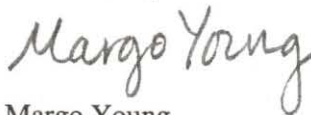
- Icicle should ensure that the dive operations are in accordance with OSHA regulations (1910, Subpart T).

- Icicle should ensure that the operator develops and implements a Health and Safety Plan (HASP). A HASP should discuss the rationale for appropriate diver personal protective equipment (PPE), training requirements, procedures, and other equipment. The following are general dive safety practices, PPE, and training requirements that EPA's Dive Team uses in this type of dive environment, which you may wish to consider:
 1. solo/tethered scuba diving (or surface supply) diving due to consistent poor visibility making working with a "buddy" difficult or impractical;
 2. wired communications with a topside tender;
 3. surface supply for work diving (e.g., silt curtain maintenance);
 4. decontamination consisting at a minimum of a clean freshwater rinse after each diver leaves the water while gear remains intact;
 5. divers should not break face mask or glove seals in the water except in an emergency situation;
 6. leak-free vulcanized rubber drysuit and drygloves suitable for decontamination;
 7. diver monitoring for heat/cold stress;
 8. bailout air supply of at least 20 cubic feet fitted to the full face mask or helmet via a valve such as a Kirby Morgan block (J valve equipped primary tanks do not constitute a true reserve air supply);
 9. oxygen kit aboard the dive platform consisting of a 30 minute supply at a minimum for two divers;
 10. first aid kit aboard the dive platform;
 11. commercial, government, or military dive training (note: many U.S. Coast Guard accident reports credit inadequate training as a contributor to work diving accidents);
 12. CPR/AED/First Aid certification within the last year or two years as appropriate; and
 13. formal oxygen administration training within the last two years.

If Icicle prepares a HASP, it should also identify whether a dive medical technician with a license to operate the hyperbaric chamber will be on board the REDEEMER. Moreover, if Icicle prepares a HASP for the waste pile remediation project, the HASP should be submitted with the revised Plan.

EPA has considered Icicle's inquiry regarding the timing of Waste Pile A removal operations and has concluded that those operations need not await resolution of the pending federal enforcement action, but may be commenced upon approval of the Plan by EPA and ADEC. Since I will be away from the office until September 20, 2006, please copy Tara Martich in our Anchorage office on all correspondence during my absence. She can be reached at (907) 271-6592 or by email at martich.tara@epa.gov.

Sincerely,



Margo Young
Compliance Officer
NPDES Compliance Unit

cc: Terry Leitzell, Icicle Seafoods, Inc.
Gina Belt, DOJ
Katy McKerney, ADEC
Tara Martich, EPA - AOO
Cara Steiner-Riley, EPA-ORC

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